IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

SATURDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND SEVEN

PRESENT

THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.27074 OF 2003

Between:

K.Kashinath and others.

.... PETITIONERS

AND

The Sarpanch, Grama Panchayat,
Shankarpalli, R.R. District, and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE
C.Y.SOMAYAJULU

WRIT PETITION NO.27074 OF 2003

O R D E R

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Alleging that the respondents are constructing buildings in their site, the petitioners filed this writ petition seeking a declaration that the constructions being made by the respondents in the land belonging to them without acquiring the said land, is arbitrary and illegal.

There is no representation on behalf of the respondents, though served.

The contention of the counsel for the petitioners is that since the ancestors of the petitioners acquired the land in question and so the petitioners have been enjoying the said land, the first respondent taking advantage of the fact that the petitioners kept their land vacant is constructing buildings for Gram Panchayat in that vacant site belonging to the petitioners for the benefit of Gram Panchayat, which is in violation of the Article 300-A of the Constitution of India, and so, the respondents may be directed to pay compensation to the petitioners for the land encroached upon by them, or direct them to remove the encroachment made by them.

Except the pahanies relating to 1954-55 and 1970-71, which are filed as material papers, there is no other document to show that the petitioners are the owners of the land, which is said to have been

encroached upon by the respondents. If the respondents encroached into the land belonging to the petitioners, the petitioners have an effective alternative remedy by filing a suit for removal of the encroachments or seek compensation for the loss caused to them. Therefore, I do not wish to pass any orders in this petition filed under Article 226 of the Constitution of India.

Hence, writ petition is dismissed. No costs.

JUSTICE C.Y.SOMAYAJULU

6th OCTOBER, 2007
PGS

THE HONOURABLE SRI JUSTICE
C.Y.SOMAYAJULU

W.P.NO.27074 OF 2003

6th OCTOBER, 2007